

REMARKS

Reconsideration of the above-identified patent application in view of the remarks following is respectfully requested.

Claims 3-18 and 26-36 are in this case. Claims 3-18 and 26-36 have been rejected under § 103(a).

The claims before the Examiner are directed toward a portable device for data storage and transfer. The device includes a non-volatile memory for storing the data and an interface that the device uses to exchange data with other, similar devices. In one embodiment of the present invention, the operations of both the device and the similar device with which the device exchanges data are restricted to data storage and transfer. In another embodiment of the present invention, both the device and the similar device with which the device exchanges data lack operating systems. In yet another embodiment of the present invention, the device also includes a memory for storing a software application for controlling the data exchange, and neither the device nor the similar device with which the device exchanges data is capable of receiving an additional software application.

§ 103(a) Rejections – Sunshine ‘566

The Examiner has rejected claims 3-18 and 26-36 under § 103(a) as being unpatentable over Sunshine, US Patent No. 6,606,566 (henceforth, “Sunshine ‘566”). The Examiner’s rejection is respectfully traversed.

Sunshine ‘566 teaches a portable field device **10**, based on a handheld computer / organizer such as the Palm devices of 3Com and the Visor of Handspring (column 4 lines 65-67), for detecting gas-phase chemical species (“analyte”) and notifying a processor **12**, via a network **18**, of the presence of the analyte. In the

embodiment illustrated in Figure 3, multiple field devices **10** exchange data with each other.

There are at least three differences between the present invention and the teachings of Sunshine '566 that render the present invention patentably distinct from the teachings of Sunshine '566.

The first difference is recited in independent claims 16 and 34. The operations of the portable devices of the present invention are restricted to data storage and transfer. The operations of field device **10** of Sunshine '566 are not restricted to data storage and transfer. Field device **10** of Sunshine '566 includes an analyte detector **20**, for performing chemical analyses, that is described in column 4 lines 34-46 as follows:

The analyte detector **20** is a transducer, such as an electronic nose, capable of detecting the presence of an analyte **16** and then generating certain sensory data corresponding to a unique output signature specific to the detected analyte. The analyte detector **20** may utilize one of many different detection techniques, such as electronic nose technology, gas chromatography, and mass spectrometry etc., to detect the presence of an analyte depending on the attendant circumstances. An illustrative implementation of the analyte detector is disclosed in U.S. patent application Ser. No. 271,873, which is now U.S. Pat. No. 6,085,576, commonly assigned, and hereby incorporated by reference for all purposes.

There is neither a hint nor a suggestion anywhere in Sunshine '566 that any useful purpose would be served by field device **10** without analyte detector **20**. Therefore, the present invention, as recited in independent claims 16 and 30, is patentably distinct from the teachings of Sunshine '566.

With independent claims 16 and 34 allowable in their present form, it follows that claims 3-15 and 30-33, that depend therefrom, also are allowable.

The second difference is recited in independent claims 17 and 35. The portable devices of the present invention lack operating systems. By contrast, the

handheld computers / organizers upon which field devices 10 of Sunshine '566 are based, all have operating systems. As noted in the specification of the above-identified patent application, on page 1 lines 17-18, the handheld computers / organizers upon which field devices 10 of Sunshine '566 are based "attempt to maintain all functions of a desktop computer". In order to do this, these handheld computers / organizers must have operating systems. For example, Sunshine '566 states, in column 4 lines 64-66, that

The field device 10 can be a portable, handheld device such as the Palm® devices manufactured by 3Com and the Visor® produced by Handspring.

The Palm® devices have an operating system called "PalmOS". There is neither a hint nor a suggestion anywhere in Sunshine '566 that any useful purpose would be served by configuring field devices 10 without operating systems, or indeed that field devices 10 could be configured without operating systems. Therefore, the present invention, as recited in independent claims 17 and 35, is patentably distinct from the teachings of Sunshine '566.

With independent claim 17 allowable in its present form, it follows that claim 18, that depends therefrom, also is allowable.

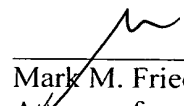
The third difference is recited in independent claims 26 and 36. The portable devices of the present invention are incapable of receiving an additional software application. By contrast, one ordinarily skilled in the art would expect the software of a field device 10 of Sunshine '566 to be upgradeable, for example to accommodate an improved analyte detector 20, or to accommodate a new analyte detector 20 that uses a different detection technology from that used by the old analyte detector 20. Furthermore, as discussed above in the context of independent claims 17 and 35, field device 10 maintains as many functions as possible of a desktop computer, including

the ability to receive additional software applications. Indeed, both the Palm® devices and the Visor® cited by Sunshine '566 as platforms for field device 10 have the ability to receive additional software applications. There is neither a hint nor a suggestion anywhere in Sunshine '566 that any useful purpose would be served by removing this ability from field device 10. Therefore, the present invention, as recited in independent claims 26 and 36, is patentably distinct from the teachings of Sunshine '566.

With independent claim 26 allowable in its present form, it follows that claims 27-29, that depend therefrom, also are allowable.

In view of the above amendments and remarks it is respectfully submitted that independent claims 16, 17, 26 and 34-36, and hence dependent claims 3-15, 18 and 27-33 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: March 25, 2004